

## **REMARKS**

Further and favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

Claims 2-4 and 6-9 are pending in this application. By this Amendment, claim 2 is amended to incorporate the features of claim 3, and claim 3 is cancelled. Claim 3, 4 and 7 are also amended for clarity. No new matter is added.

### **I. Double Patenting**

The Examiner provisionally rejects claims 2-4 and 6-9 on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 18-21 of copending U.S. Application No. 10/593,870. Without admitting to the propriety of the rejection, and in the interest of advancing prosecution, Applicants submit herewith a Terminal Disclaimer over the cited application, rendering the rejection moot. Accordingly, reconsideration and withdrawal of the provisional rejection are respectfully requested.

### **II. Claim Rejections Under 35 U.S.C. § 102**

The Examiner rejects claim 1 under 35 U.S.C. § 102(b) as being anticipated by Miyazawa et al. (U.S. Application Publication No. 2002/0192143) ("Miyazawa"). Claim 1 has already been cancelled, and thus Applicants presume this rejection is over claim 2.

By this Amendment, the subject matter of claim 3 is incorporated into claim 2. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

The Examiner rejects claims 6-9 under 35 U.S.C. § 102(e) as being anticipated by Mashino (U.S. Application Publication No. 2004/0208816). Applicants respectfully traverse the rejection.

Mashino published on October 21, 2004 from U.S. Application No. 10/823,616, filed April 14, 2004. Thus, the earliest available date that Mashino qualifies as prior art under 35 U.S.C. § 102(e) is April 14, 2004.

The present application is a national phase application under § 371 of International Application No. PCT/JP2004/015089, filed October 6, 2004, and claims foreign priority to Japanese Application No. 2003-348667, filed October 7, 2003. Applicants submit herewith an English language translation of Japanese Application No. 2003-348667, and a certification stating that the translation is accurate. Accordingly, the pending claims are entitled to the benefit of the October 7, 2003 filing date of the Japanese priority document.

Because Mashino was filed after the October 7, 2003 effective filing date of the present application, Mashino is not available as prior art against the present application under 35 U.S.C. § 102(e). Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

### **III. Claim Rejections Under 35 U.S.C. § 103**

The Examiner rejects claims 1-4 under 35 U.S.C. § 103(a) as being unpatentable over Miyazawa in view of Mashino. Applicants respectfully traverse the rejection. As discussed

above, Mashino is not available as prior art to the present application. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

**IV. Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 2, 4 and 6-9 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place the application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

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Enclosures: Terminal Disclaimer  
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